

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
THE BANK OF NEW YORK	:
MELLON TRUST COMPANY, N.A.,	:
	:
Plaintiff-Counterclaim Defendant,	:
	:
- against -	:
	:
DEPFA BANK PLC and LLOYDS TSB BANK PLC,	:
	:
Defendants-Counterclaimants-	:
Crossclaimants-Crossclaim	:
Defendants.	:
-----X	
DEPFA BANK PLC,	:
	:
Third-Party Plaintiff-	:
Counterclaim Defendant,	:
	:
- against -	:
	:
ACCESS TO LOANS FOR LEARNING STUDENT	:
LOAN CORPORATION,	:
	:
Third-Party Defendant-	:
Counterclaimant,	:
	:
- and -	:
	:
JPMORGAN CHASE BANK, N.A.,	:
	:
Third-Party Defendant.	:
-----X	
LLOYDS TSB BANK PLC,	:
	:
Third-Party Plaintiff,	:
	:
- against -	:
	:
ACCESS TO LOANS FOR LEARNING STUDENT	:
LOAN CORPORATION,	:
	:
Third-Party Defendant.	:
-----X	

**DECLARATION OF SCOTT M. BERMAN  
IN SUPPORT OF DEPFA BANK PLC'S MOTION  
*IN LIMINE* TO EXCLUDE CERTAIN EXPERT TESTIMONY**

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SCOTT M. BERMAN, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am a member in good standing of the Bar of this Court and am a partner at Friedman Kaplan Seiler & Adelman LLP, counsel to Defendant, Counterclaimant, Crossclaimant, Crossclaim Defendant, Third-Party Plaintiff, and Third-Party Counterclaim Defendant Depfa BANK plc ("Depfa").

2. I respectfully submit this declaration to place before the Court certain documents in support of Depfa's motion *in limine* to exclude certain testimony.

3. I attach as Exhibit A a true and accurate copy of the Expert Report of Robert Dean Pope dated August 5, 2011.

4. I attach as Exhibit B a true and accurate copy of the Rebuttal Expert Report of Robert Dean Pope dated August 30, 2011.

5. I attach as Exhibit C a true and accurate copy of excerpts from the transcript of the deposition of Robert Dean Pope dated September 23, 2011.

6. I attach as Exhibit D a true and accurate copy of the Report of Robert I. Landau dated August 5, 2011.

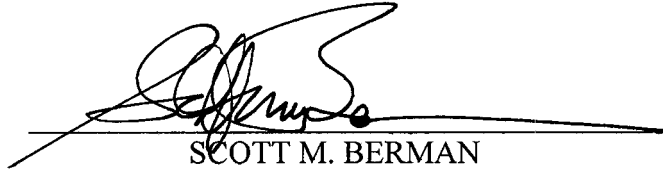
7. I attach as Exhibit E a true and accurate copy of the Rebuttal Report of Jeffrey L. Baliban dated August 31, 2011.

8. I attach as Exhibit F a true and accurate copy of excerpts from the transcript of the deposition of Jeffrey L. Baliban dated September 29, 2011.

9. I attach as Exhibit G a true and accurate copy of the Expert Report of Joel J. Powers dated August 5, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 31, 2011.



SCOTT M. BERMAN